

Permitting & Assistance Branch Staff Report

New Solid Waste Facilities Permit for

Pixley Biogas

SWIS No. 54-AA-0053

September 19, 2014

Background Information, Analysis, and Findings:

This report was developed in response to the Tulare County Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed new Solid Waste Facilities Permit (SWFP) for Pixley Biogas, SWIS No. 54-AA-0053, located in Pixley; owned by the JD Heiskell Holdings, LLC, and operated by Pixley Biogas, LLC. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The initial proposed permit was received on July 31, 2014. A new proposed permit was received on September 4, 2014. Action must be taken on this permit no later than November 3, 2014. If no action is taken by November 3, 2014, the Department will be deemed to have concurred with the issuance of the proposed new SWFP.

Proposed Project

The following are the key design parameters of the proposed project:

	Proposed Permit
Name and Address of Facility	Pixley Biogas 11518 Road 120 Pixley, CA 93256
Name and Address of Operator	Pixley Biogas, LLC 11704 Road 120 Pixley, CA 93256
Name and Address of Owner	JD Heiskell Holdings, LLC 11518 Road 120 Pixley, CA 93257
Facility Type	Transfer/Processing (Anaerobic Digester)
Proposed Permitted Hours/Days of Operation	24 hours/day; 7 days/week
Proposed Permitted Maximum Tonnage	489.6 tons per day
Proposed Permitted Traffic Volume	12 vehicles per day
Proposed Permitted Area (acres)	1.28 acres

Design Capacity (tons)	489.6 tons
Proposed Waste Types	Liquid dairy manure, non-manure organic food waste and food processing waste, such as grease from restaurants, process waters from food processing, wastewaters from poultry or livestock harvesting, wastewaters from dairy production, and other food based sludges and liquids.

Background:

Pixley Biogas LLC is a new proposed anaerobic digester facility in the unincorporated area in the City of Pixley in Tulare County. The facility will be at the existing Calgren Renewable Fuels ethanol facility, where the material will be processed into energy. The digestate will be taken to a near-by dairy farm for use as animal bedding, or elsewhere in the agricultural and horticultural industry for use as a soil amendment.

Findings:

Staff recommends concurrence in the issuance of the proposed new SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated July 30, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report is not required for a new SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on September 4, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on July 31, 2014, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Product & Compliance Unit found the facility is identified in the Nondisposal Facility Element, as described in their Request for Action dated September 19, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
21685(b)(8) Operations Consistent with State Minimum Standards	Permitting and Assistance Branch staff has determined that the design and operation as described in the submitted Transfer/Processing Report (TPR) will allow the proposed facility to comply with State Minimum Standards.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on July 31, 2014, that the proposed permit is consistent with and supported by the existing CEQA documentation. See the Environmental Analysis section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by the LEA on July 1, 2014. Four members of the public were in attendance. Oral comments were addressed by LEA staff. No written comments were received by LEA or Department staff. See Public Comments section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed new SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

Permitting and Assistance Branch staff conducted a site visit on August 27, 2014, and has determined that the design and operations, as described in the TPR, will allow the proposed facility to comply with applicable state minimum standards.

Environmental Analysis:

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the County of Tulare Resource Management Agency, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The activities that will be authorized by the issuance of the proposed permit include: operation of a transfer/processing facility/anaerobic digester; operating 24 hour per day/7 days per week; maximum tonnage of 489.6 tons per day; on 1.28 acres; and 12 vehicles per day.

These activities are supported by the following environmental document.

An Environmental Impact Report (EIR), State Clearinghouse No. 201211057, was circulated for a 45 day comment period from October 9, 2013 to November 25, 2013. The EIR did not identify significant and unavoidable impacts. The Final EIR was certified by the Tulare County Planning Commission on February 18, 2014. A Notice of Determination was filed with the State Clearinghouse on February 19, 2014.

The LEA has provided a finding that the proposed new SWFP is consistent with and supported by the cited environmental documents.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the Final EIR as prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed new SWFP.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed new SWFP and all of its components and supporting documentation, this staff report, the Notice of Determination, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed new SWFP. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comments:

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA held a public informational meeting on July 1, 2014, at the Pixley Community Room, 161 North Pine Street, in the City of Pixley. Four members of the public were in attendance. The questions asked by the public were related to the permitting process and clarification of the proposed project. The LEA and/or operator responded to and addressed all questions. No written comments were received by the LEA or Department staff.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on August 19, 2014 and September 16, 2014. No comments were received during the meetings.